



**NIACRO Response to Development of an Adult Restorative Justice
Strategy for Northern Ireland**

7th September 2020



NIACRO Response to Adult Restorative Justice Strategy

Introduction

NIACRO is a voluntary organisation that has been working for almost 50 years to reduce crime and its impact on people and communities. Our vision is of a society in which the needs and rights of all citizens, including victims of crime, adults and children who offend and those who are at risk of offending, are equally respected.

The Charity's Articles of Associations, approved in October 2015 by the Charity Commission for NI, identify NIACRO's objects which meet public benefit test, as being:

- to alleviate need and disadvantage through the provision of services, assistance, advocacy and representation to care for, resettle and rehabilitate offenders and ex-offenders, alleged offenders, persons at risk of becoming offenders and to care for the victims of crime and the families.
- to work for the prevention and reduction of crime for the benefit of the public in Northern Ireland.

Specifically, NIACRO's contributions are to:

- support the resettlement of adults leaving prison and those on community supervision.
- build skills, confidence and employability of people both in prison and in the community.
- support children, young people, families and adults who are displaying behaviour that would put them at risk of engaging with the criminal justice system, to make positive lifestyle choices.
- influence service providers in the statutory, voluntary and community sector and build their capacity to provide appropriate support to those affected by the criminal justice system.
- impact policy and practice by communicating our policy asks and engaging relevant publics at every level.

At the heart of NIACRO's work is the aim to reduce (re)offending in the belief that integrated and flexible approaches towards desistance are most effective. In this way we contribute to the prevention of harm/further harm to victims of crime.



Opening Remarks

NIACRO welcomes the opportunity to contribute to this consultation. We responded to the Sentencing Review and Hate Crime consultations¹. This response builds upon many similar themes. We particularly welcome the DoJ's commitment to "consider the development of a strategic approach to the utilisation of restorative practices at all stages of the adult criminal justice system". As recognised within the consultation document, an "overarching strategic or co-ordinated approach" will be helpful in helping to make that a reality. Whilst there will undoubtedly be challenges associated with achieving this co-ordinated approach, the commitment from DoJ and the criminal justice statutory partners to restorative approaches is an essential starting place.

We also welcome the acknowledgement that "The use of restorative justice should not be seen as an easy option; those who have been through the process often feel it is more difficult than the traditional disposals as it makes them accountable for their actions. Neither is restorative justice a lesser means of redress for low level offending. It is a different, complementary, approach to dealing with the wrongdoing; one which is proportionate and appropriate to the offence, which acknowledges the harm caused and which has the potential to be highly effective."

Whilst we agree that the approach does represent an opportunity to "reduce adult court caseloads through the use of effective diversionary restorative options", on a practical note, we would caution DoJ to be cognisant of the length of time effective restorative processes will take. Building trust and giving people space to understand the nature of their engagement necessarily takes time. Any hopes that the application of the approach will reduce delay at this stage of the justice process must factor this in and plan accordingly.

On a further practical note, an adult restorative justice strategy has a greater chance of success if the general public understands the process and its potential benefits to society. Ahead of the strategy, a robust public campaign that communicates how restorative justice works, and the ways in which it helps challenge offending behaviour and repair harm, will be needed to provide consistent messaging to improve public perception.

Our response does not address all the questions posed within the consultation, and for that reason is not provided within the template provided. We have focused on the questions which relate to themes we believe we are best placed to make comment on.

¹ <https://www.niacro.co.uk/consultation-responses>



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Q1: Do you agree that a Restorative Justice approach should be introduced for those adults who offend, to build on the work that has already been undertaken, particularly in the youth and community sectors?

We agree that a restorative approach should be introduced for adults who offend, to build on work that has already been undertaken, particularly in the youth and community sectors. We are particularly interested that the consultation document highlighted the Fresh Start Panel's assessment of the "importance of restorative approaches and the role they could play in communities".

NIACRO has delivered Aspire Mentoring and Aspire Community Engagement since 2017. Supporting over 500 young men annually across these two programmes has helped to convince us of the increasing relevance of restorative approaches. Aspire Mentoring supports young men who are subject to Probation supervision. Aspire Community Engagement's clients are not currently subject to supervision (although the reality is many have had convictions in the past, and many are released without licence following short prison sentences). These projects are within the continuum of restorative practice.

DoJ seeks to apply restorative practices at all stages of the adult criminal justice system. NIACRO's Aspire teams are increasingly focusing on incorporating restorative elements at either end of this system, i.e. in the context of early intervention and in the context of reintegration. Aspire's restorative approach is towards the direct conversations that challenge offending behaviour and help to instil a sense of personal responsibility; that their actions have consequences, for them and for those around them.

Q2: Do you agree with the vision, aims, purpose and principles as set out in the above sections?

The strategy states the Restorative Justice Council Principles will underpin it. We believe that the strategy needs to be strongly led by these principles. These restorative principles identify what would constitute a restorative approach. Without this, vagueness will exist as to what qualifies as a restorative process.

NIACRO believes basing this approach on restorative principles is an opportunity to make the strategy clearer and improve public perception of a restorative justice approach.



Q4: Are you aware of any further evidence or research which should be taken into account?

The consultation document recognises “One further potential application for restorative justice which is currently under review is in relation to Hate Crime....the review will also specifically examine whether there is potential for alternative or mutually supportive restorative approaches for dealing with hate-motivated offending.”

Get Real is a NIACRO project funded by the European Union's PEACE IV Programme, managed by the Special EU Programmes Body. It uses restorative approaches to support and challenge those who are involved in hate crime, their victims, and those vulnerable to involvement, specifically to acknowledge the hurt and damage caused and to move forward with greater understanding and hope. It links with PBNI's Accepting Difference programme. There are three strands to its work:

- **Get Real about Justice:** one-to-one interventions based on restorative practices with those who have offended and their victims
- **Get Real about Identity:** community-based education programmes with those at risk of perpetuating hate crime
- **Get Real about Society:** diversity training delivered to criminal justice agencies across Northern Ireland and the border counties of the Republic of Ireland to equip public servants with knowledge and skills to work towards acceptance of diversity

Through safely managing conversations with people who have offended and/or the victims or ‘proxy victims’ of hate crimes and hate incidents, since 2017 Strand 1 has helped 45 people to explore what happened and the harm caused. PBNI has referred 20 of those to the programme, with other referrals coming from other NIACRO projects, other community/voluntary organisations and, over time, through self-referral.

Strand 1 has successfully created a safe space for:

- victims of hate crime to find their voice and a safe space to ask questions and share their experience of the incident(s).
- victims of hate crime to have a clearer understanding of the crime or incident, enabling them to regain a sense of safety and control over their lives.
- perpetrators of hate crime to explore the reasons behind their actions.
- perpetrators to move forward positively, to reintegrate and make amends appropriate to their actions.

NIACRO and those who have engaged with us have seen restorative justice working to help people who have offended and been victims of hate crimes and incidents to change attitudes and behaviours. Please read the 2 case studies provided as an appendix. These stories of attitudes and behaviours changed as a result of engaging with restorative approaches is further evidence of its effectiveness.

Also based on restorative principles are the other 2 strands of Get Real, namely:

Stand Two: Get Real about Identity

An 8-week community-based education programme with those at risk of perpetuating hate crimes. Each programme is delivered where hate crime is prevalent or threatened across Northern Ireland and in the



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border counties of the Republic of Ireland. The programme challenges prejudice and intolerance on sectarian, racial and other discriminatory grounds by creating opportunities for honest expression and cultural learning. Participants are supported to change attitudes and behaviors, to deal positively with diversity and difference and make positive contributions towards a shared and cohesive future.

Strand Three: Get Real about Society

Training delivered to criminal justice agencies' front line staff across Northern Ireland and the border counties of the Republic of Ireland, equipping public servants with knowledge and skills to move beyond ignorance or indifference and work towards acceptance of diversity through greater empathy and confidence towards people from different cultures and backgrounds.

Further evidence will be the independent evaluation of Get Real which NIACRO has commissioned and which will be published towards the end of 2020. This will be forwarded onto DoJ as further evidence once it becomes available.

Restorative practice is a highly effective approach in the prevention of negative behaviours/offences motivated by prejudice or hate. These behaviours are often motivated by fear.

Q5: Please identify any further benefits that should be referenced.

One of the ways we have seen Aspire and APAC (see project rationale at Q9) clients benefit from restorative approaches are within family life. In Aspire and, to a certain extent, within APAC, our staff are very often involved in helping to bring about an improved understanding between our client and family members. We may often term this work 'reconciliation' and the lifestyle benefits for clients, of improved relationships and support from nuclear and wider family, ought not to be overlooked. Where relationships are fractured, restorative approaches are necessary. There are, of course, cases where family members may have an unhelpful influence on clients, and staff must be wise to this.

Q7: When measuring success, what should we focus on?

Get Real Strand 1 success was measured in several ways. Staff used practical measures such as the completion of a pre and post measurement tool with individuals.

However, the real measure of success was evidenced by:

- *feedback from both those who had offended and victims of the usefulness of the process*
- *evidenced change in behaviour, reported by family members and individuals themselves*
- *change in attitude and thinking, evidenced in participants feedback*
- *in environments such as Maghaberry prison and Hydebank College with prisoners recommending engagement with Get Real to both other prisoners and to staff as reported by prisoners and staff*
- *reports from PBNi staff who had made the referrals to an obvious and evidenced change in attitude, thinking etc with those with whom they work*
- *people who had completed one Strand of engagement with Get Real self-referring or recommending other people engage with further Strands (e.g. college lecturers who completed Strand 2 training then recommending and referring students to Strand 1 due to a homophobic incident which assisted in one student avoiding expulsion)*

There can be a tendency to regard a restorative process as 'incomplete' when the person who carried out the offence and the victim do not meet or have any exchange. However, we must not lose value in



what someone who has offended may gain from the restorative process. Recently, an Aspire Community Engagement client was challenged by NIACRO and our restorative partner, CRJI, to really consider the impact of his actions on others (including a home burglary). Over time, the client was moved to recognise that having your home broken into had a lasting impact. He agreed to write a letter to his victim, in which he recognised that they must have been deeply impacted. However, after writing the letter, he became fearful of what might happen in the community once the offence came to people's attention over again (several years had passed since it took place and he had relatively recently been able to return to the community, following the lifting of a threat). The letter was therefore never sent. However, the outcome of the process that led up to the writing of the letter was deeply powerful for the individual and may help to ensure he does not re-offend.

In much of the work NIACRO is engaged within Aspire, APAC and other programmes, we may not see long-term outcomes/benefits during our engagement. However, we often lay the groundwork for future tangible successes. Not everything that needs to be achieved can necessarily be achieved during the period someone engages with a programme, be that 16 weeks (as Aspire) or 12 months (as APAC). However, we sow seeds, and these take root as time passes. Crucially, can we (and therefore restorative processes) move people towards beginning to accept responsibility for their actions? We are always striving towards helping people to begin to take responsibility, and to move beyond always blaming others for what's 'been done to them'. These small steps towards attitudinal and behavioural change are not always easily measured, but over time, can be significant.

Q8: What role should the criminal justice system play, if any, in early intervention/prevention?

Many current restorative programmes are funded and supported from outside of the criminal justice system where agencies such as housing and schools see that early-stage intervention is critical. In relation to the CJS itself, legislation that enables it to support and enable others in the community and voluntary sector to deliver programmes of intervention would be necessary though the voluntary nature of an individual's engagement. It would need to be enshrined in the process. We believe PBNI would be appropriate for this role building on their sponsorship and design of Aspire Community engagement-with a focus on those pre/post supervisions.

'Front-facing' voluntary and community organisations are inherently well suited to deliver Early Intervention, where people engage voluntarily and can avoid the stigma or 'labelling' that goes with a formal process. We welcome criminal justice playing a role in making strategic links for this work such as through programmes like Aspire.

Aspire mentors regularly mediate between the young men and services including GP surgeries, JBOs or housing offices. In many instances, the young men have been aggressive at appointments or on the phone causing a breakdown in relationships and understanding to the extent that they may even have been barred from buildings. Exclusion from essential services such as housing, health and benefits may be the catalyst for (or a further contributory factor towards) offending and formal contact with the justice system. NIACRO has learnt, therefore, that bridging gaps between young men and essential services using restorative approaches are essential early-stage intervention work.



Q9: Other than those set out above, are there other examples where justice partners could apply a restorative justice approach for those on the cusp of the criminal justice system?

Much of the work of NIACRO is within a restorative continuum. Other projects that apply restorative approaches are within APAC (Assisting People & Communities) and STEM (Supporting Tenants from Ethnic Minorities). Funded by Supporting People, APAC is an early intervention service for people whose anti-social/chaotic lifestyles place them at risk of losing their tenancy. The service supports people who show anti-social behaviour characteristics, are under threat, and/or have previous convictions. Using restorative approaches, APAC staff work with service users to recognise the areas in their lifestyles that are creating a risk of losing accommodation and work to build awareness and change behaviours. Access to stable accommodation, and the requisite finances and money management skills reduced the risk of offending behaviour and contribute to the family and personal stability.

STEM is a floating support service for people who are at risk of social exclusion because of community intimidation due to their ethnicity. The project aims to improve and reduce the social exclusion of people from ethnic minority communities by helping to remove barriers to integration and encourage participation in their communities. STEM project workers also work to build positive community relations and supports in response to incidents of intimidation. These informal restorative approaches improve stability and reduce the likelihood of future offending behaviour directed at these minority groupings.

Q12: Do you agree with the inclusion of RJ processes in formal court sanctions?

As outlined above we believe that the Adult Strategy needs to be led by an agency such as PBNI, with the third sector as delivery partners. Court options could be built-in with consent as we are aware of the potential conflict of involving voluntary and community organisations in delivering court-ordered sanctions. People engage in our services voluntarily, and there can be a changed dynamic if they have been mandated to do so.

So, there is a potential conflict in the term “court-mandated restorative approaches”; restorative approaches will only be effective if people want to voluntarily engage in the process. Without a lead agency such as PBNI, there will be no consistency across the region. For example, if a restorative intervention becomes inappropriate or parties do not consent in the early stages of a case, how will opportunities be made available at a later stage? How will this be managed and who would be responsible to record these opportunities and provide outreach under this strategy? As this strategy is agreed and practical arrangements move forward, NIACRO would be keen to have further insight into the nature and depth of the work that will be undertaken. How will consistency be maintained, and prevention from a ranking of the type of offence? The work needs to be carried out to the same standard across all levels and stages of the process. Pointing to the success of the Problem-Solving Justice courts and ECO pilots, it may be appropriate to focus attention on regional pilots whose outcomes could be analysed before building a region-wide roadmap.

Q14: Do you agree that aspects of RJ can be successfully incorporated into custodial sentences?

Get Real has delivered several successful and well-received programmes in Maghaberry Prison and Hydebank College to both staff and prisoners. Get Real delivered an accredited OCN level 2 programme ‘Using Restorative Processes to Challenge Hate Crime’ over 8 weeks in 3-hour sessions. Feedback from



prisoners and staff has been positive with further requests coming for more training from staff and those in prison. Those in prison have recommended Get Real to others and to staff.

Following both Strand 1 and 2 interventions, people were able to challenge and explore aspects of their behaviour that led to their current situation and to reflect on their behaviours and its consequences for others.

Get Real's professional yet challenging approach delivered by well trained, experienced staff evidence that restorative justice can be successfully incorporated into custodial sentences.

Q18: Should funding arrangements be changed to support the delivery of an Adult Restorative Justice Strategy, and if so, how?

NIACRO supports the Full Cost Recovery Funding Model in principle, however, unless all departments and all funders work under the same full cost recovery principles the model cannot become financially feasible for providers. The strategy will require its own dedicated funding stream to demonstrate that this approach has value and is sustainable.

Q19: Please share your views on how these arrangements might link to the wider aspects of a potential Centre of Restorative Excellence.

Currently, accreditation and training are offered via a few different options. Will this strategy or a potential Centre of Restorative Excellence establish a standard of accreditation? Who would be responsible for setting the standard? The strategy should recognise restorative justice work is often facilitated by volunteers; therefore, the cost of the accreditation for delivering restorative interventions and diversions should be accessible and affordable. Consistency in accreditation is necessary.

The judiciary may require further training on restorative justice approaches. Establishing additional options to sentencing guidelines would enable the judiciary in Northern Ireland to deliver appropriate and consistent judgements to those eligible for the restorative justice approach.

A recent CJINI Inspection of NIACRO's Base 2 project provided reassurance as to the value of the project and recommended that:

“Within six months of the publication of this report, in accordance with the objectives agreed in the Executive Action Plan on *Tackling Paramilitary Activity, Criminality and Organised Crime*, the DoJ should bring forward options to create a centre of excellence for restorative justice and Base 2 should be affiliated to this centre².”

It further acknowledged the guidance and governance provided by NIACRO and its links to over 60 community organisations. Thus, Base 2's connection to the Centre of Excellence needs to ensure that these strengths are retained while the need for the project in its current form exists.

² <http://www.cjini.org/getattachment/08fe716a-3ab2-4a8d-915e-57cfc2826c67/report.aspx>



Q24: What are your views on the potential equality impact of a proposed Adult Restorative Justice Strategy? Q25: Is there an opportunity to better promote equality of opportunity or good relations, and if so, how?

We agree that the strategy of itself should not raise any adverse issues in relation to equality. It is important to highlight that both victims and those who offend are in fact diverse in relation to gender, age, political affiliation, sexual orientation, etc. However, it will be important to have in place robust monitoring arrangements to focus on the necessary characteristics of:

- those who are offered RJ interventions
- those who accept
- those who sustain and complete
- Those who do not complete

Monitoring these characteristics will ascertain if there are equality impacts that need to be addressed. Figure 1 below gives a snapshot of Get Real’s Strand 1 participants.

It is notable to recognise distinct differences and establish strategies that address the diversities. For example, society tends to neglect the experiences and gender-specific needs of women. When we consider the prevalence of short-term sentences for low-level crimes that women experience and the lack of efficacy in that response, they are the ideal subjects for restorative justice responses. A restorative response to women would put in place the foundations for the structural conditions that feed into their marginalisation and could allow community services and support to be enacted without unnecessary criminalisation. Equally, consideration should be given to where in their criminal justice paths restorative options could be enacted, considering the high-level of women imprisoned under custodial remand.

Figure 1

<p>45 programme participants</p> <ul style="list-style-type: none"> ▪ Average age of 38 (youngest 19, oldest 67) ▪ Perceived religion of participants broadly reflects NI population data but a strong representation from ‘other’. This reflects the level of engagement in Black and Minority Ethnic (BAME) communities. ▪ 20 participants were of Protestant background, 14 were Catholic and 2 Muslim participants with the remaining 9 preferred not to say ▪ The majority of those engaged were male (58%) ▪ Known victim or perpetrator in 60% of cases 	
<p>Victims of hate crime 21</p> <ul style="list-style-type: none"> ▪ 7 males ▪ 14 females (incl. 1 transgender) ▪ All six foreign nationals engaged in Strand One were victims ▪ 66% of victims were female 	<p>Perpetrators 24</p> <ul style="list-style-type: none"> ▪ 20 males ▪ 4 females ▪ 83% of perpetrators were male
<p>Learning difficulty or disability</p> <ul style="list-style-type: none"> ▪ Just under 40% of those engaged had some form of disability ▪ Over ¾ of those with a disability were perpetrators with primarily mental health issues 	



- Over 52% of all perpetrators had some form of mental health issue or physical impairment. Three out of four (75%) of female perpetrators had a diagnosed mental health issue such as Attention Deficit Hyperactivity Disorder (ADHD) or Autism (ASD)

There is opportunity to better promote equality and good relations by communicating that those who cause harm to others, and those who have been harmed can be anyone and that all can benefit from an effective alternative to punitive responses in bespoke and positive ways.

Conclusion

NIACRO welcomes the opportunity to contribute to the consultation on Developing an Adult Restorative Justice Strategy for Northern Ireland.

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Appendix 1. 'Alan' Get Real Case Study

'Alan' was referred to Get Real by PBNI after receiving a suspended sentence for Assaulting Police and Disorderly Behaviour (he had over 30 offences against police and had served three prison sentences). The team assessed prejudice against police identity to lie behind this.

Over several months, the team spent time building a relationship, to explore where his prejudice had come from. However, he was not ready or willing to meet with police. So, the focus shifted to exploring with him the harm his actions cause others – primarily his mum. Several restorative conversations with Alan and his mum were held (separately). Alan's chaotic lifestyle, including an on-going custody case over his young child, had impacted on his mother over many years. Conversations focused on identifying what Alan could do to restore this harm.

Get Real also referred Alan to other NIACRO services to help with benefits claims and with writing a disclosure letter for future employers. Over this period, Alan made progress, got a job and secured more frequent unsupervised contact with his child. All this also pleased his mother. With changing priorities (work and childcare) he had less time to engage in the restorative work, so Get Real closed Alan's case.

Within two months Alan was re-referred after another serious incident against police came to light.



Engaging with Get Real's restorative work for a second time, he realised that if he wanted his attitudes to change, which he claimed he did, he must meet an officer. So, the team prepared him for a restorative conference. How would he react if he were challenged/felt his 'buttons were being pushed'? How would he deal with a two-way conversation, in contrast to the traditional judicial system?

Get Real staff accompanied Alan and his PBNI officer (at his request) at the conference. He met a police officer who had not been involved in the incident but who had spoken with officers involved. The officer described the events from the police perspective, which Alan found shocking and embarrassing. Hearing about the resources required to respond to the incident helped Alan appreciate the wider impact of his actions. He voiced 'disgust' at his behaviour. However, most impactful was for him to learn that an officer he assaulted left the PSNI soon after. He asked, "*Was that because of me?*" A month after the conference, this was still concerning him when he was also reflected that he had not felt 'belittled' by the police officer; in contrast to previous experiences. He felt proud too, of how he managed his emotions and remained focused through the conversation. When asked how this was possible, he replied, "*I've got to take responsibility, I did it, and so I need to listen.*"

Get Real helped Alan become willing to converse with a police officer and to accept responsibility for his attitudes and actions. Since then, Alan has gained full custody of his son and we have not heard of any re-offending. He explained to Get Real evaluators "*I see the bigger picture now. Have learned to be responsible for my own actions and not blaming others. If I hadn't, my son would be in care.*"

Appendix 2. 'Cathy' Get Real Case Study

We have been working with Cathy who was referred to us from PBNI for a racial hate crime, whereby she directed racist language toward a black doorman of a club.

We had no identified victim to work with, and Cathy was clear from the beginning that she did not want any contact with the victim. She was too embarrassed about what she had done, and she felt her mental health was not stable enough to allow her to engage with her victim. We accepted this and were still able to work with her.

Cathy worked hard with us to look at her offence and the harm that she had caused both to her victim as well as to herself. As is often the case, it was easier for Cathy to first see the harm that she had caused herself. She recognised that she had fallen into bad company, bad habits and that she needed to make changes.

What stood out most with Cathy was the shame she carried as a result of her offence. In the beginning, she struggled to talk about her offence and could not bring herself to repeat the racist words that she had used that night. The shame along with her own poor mental health meant that the process and learning were slow, but she needed time, and it was worth the wait.

Over time, Cathy was able to begin to look at the harm that she might have caused her victim. Despite her initial reluctance, we slowly facilitated a process where she moved to a place of accepting the harm she had caused to others.



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She agreed that she would write a restorative letter of explanation, but she was still clear that she did not want the victim to get a copy. We worked on this letter over a few sessions and it covered what she might like to say to her victim.

When Cathy finished her letter and was happy with it, we arranged one final meeting with her and her Probation Officer to finish our work with her. During this meeting, we reviewed her letter and gave her one last opportunity to make contact with her victim, as we felt it would be a shame if they did not get the opportunity or even the choice to read the restorative letter.

Cathy agreed for her Probation Officer to check if there was a named victim registered with the PBNI Victim's Unit. When she discovered that there was no named victim, to our great surprise, she was devastated.

She could not believe that no victim had been named and that they likely had received no support following the offence. She had moved from not wanting to talk about the offence or accepting how her actions would cause harm, to a new position of displaying real, genuine empathy for the victim.

We are currently in the process of trying to contact the victim, to see if they would like to engage in a restorative process. Cathy is aware that it is a possibility they will not want to engage, but she will have tried, and she has learned a lot along the way.

Cathy had some brilliant learning moments throughout her time with us. Towards the start of the process, she often dismissed and excused her racial language, and she would say things like, "that's how I was brought up, people talk like that where I live". She told us how she hadn't told her friends the reason she was on Probation because she was so ashamed.

We got to watch her move through the process and come to a place where she is now even challenging her friends and colleagues about their racist language, telling them that it's not okay to say things like that and that she ended up on probation because of it.